THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9101 of 2007

Dated: 27-04-2007

Between:

Marati Colony Cooperative Joint Farming Society Limited,
Rep. by its Member, Chittor, and others.

..... PETITIONERS

AND

The District Collector, Chittoor, and others.

.....RESPONDENTS

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ORDER:

First petitioner is the society, at the relevant point of time having 112 members. In 1979, on a request made by first petitioner society, the Government assigned land admeasuring Acs.380.00 in survey Nos.351, 352, 354, 355, 360, 363, 364, 368, 370, 378 and 379 situated at Chintalapalem Village, Yerpedu Mandal, Chittoor District, in favour of its members. The land was not fit for cultivation. It is alleged that they reclaimed the land and made it fit for cultivation. However, in 1999 and 2000, due to severe drought, all the members of first petitioner society left the Village for their livelihood. The land was then occupied by the ryots of Chintalapalem, Venkatayapalem, Renigunta and Tirupathi. After coming back, the members of first petitioner

society requested the revenue authorities for restoration of the land, in vain. Therefore, they filed instant writ petition seeking a writ of Mandamus declaring the action of the respondents in not considering their representation for restoration of the land as illegal and arbitrary. A consequential direction is also sought to restore the land to them.

It is alleged that when the members of first petitioner society left the Village for their livelihood, third parties occupied the land and started cultivating the same. They also allege that the assignment in their favour was not cancelled and they have not violated the conditions of assignment. In such a case, the petitioners' remedy as rightly contended by the learned Assistant Government Pleader is to pursue the matter with the District Collector for restoration of the land. The direction as sought cannot be considered in a writ petition when the petitioners themselves did not cultivate the land and that the entire material is not for before this Court. The petitioners are given liberty to pursue the matter with the District Collector for restoration of the land.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

27th April, 2007
ghn